

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANCESCA M. AIELLO,

Plaintiff,

v.

RENT RECOVERY SOLUTIONS, LLC  
and MANCO ABBOTT, INC., doing  
business as, THE EMERSON,

Defendants.

MEGAN A. JOHNSTON,

Plaintiff,

v.

RENT RECOVERY SOLUTIONS, LLC  
and MANCO ABBOTT, INC., doing  
business as, THE EMERSON,

Defendants.

Case No. 1:23-cv-01542-KES-EPG

ORDER DIRECTING DEFENDANT RENT  
RECOVERY SOLUTIONS, LLC TO SUBMIT  
FILING REGARDING STIPULATION OF  
DISMISSAL

(ECF No. 26)

Case No. 1:23-cv-01544-KES-EPG

On August 20, 2024, Plaintiffs Francesca M. Aiello and Megan A. Johnston filed a stipulation of dismissal with prejudice of the claims against Defendant Manco Abbott, Inc. under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). However, because Rule 41(a)(1)(A)(ii) requires a stipulation of dismissal to be “signed by all parties who have appeared,” and only Plaintiffs and Defendant Manco Abbott, Inc. have signed the stipulation, the Court will require the remaining

1 defendant who has appeared, Rent Recovery Solutions, LLC, to submit a filing approving or  
2 opposing the stipulation of dismissal. *See Thacker v. AT&T Corp.*, No. 2:20-CV-00255-KJM-  
3 CKD PS, 2021 WL 1784873, at \*1 (E.D. Cal. May 5, 2021), *report and recommendation*  
4 *adopted*, 2021 WL 4168533 (E.D. Cal. Sept. 14, 2021) (noting that court was “unaware of any  
5 case waiving the requirement that the stipulation . . . must be made by all parties who have  
6 appeared” and that “[t]he requirement to obtain all parties’ consent to voluntarily dismiss (without  
7 a court order) is intended to ensure that a voluntary dismissal of a party at later stages of the  
litigation does not cause plain legal prejudice to the party to be dismissed or to the remaining  
8 defendant(s)”).

9 Accordingly, **IT IS ORDERED** as follows:

- 10 1. By no later than August 29, 2024, Defendant Rent Recovery Solutions, LLC shall file a  
11 signed document reflecting their approval of the stipulation of dismissal (ECF No. 26) or  
12 file a response opposing the stipulation of dismissal.  
13 2. Alternatively, by no later than August 29, 2024, the parties may file a stipulation of  
14 dismissal signed by *all* parties who have appeared in this action in compliance with Rule  
15 41(a)(1)(A)(ii).

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17 IT IS SO ORDERED.

18 Dated: August 21, 2024

19 /s/ *Eric P. Groj*  
20 UNITED STATES MAGISTRATE JUDGE

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